

STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In Re: David L. Robbins, Jr. M.D.

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Docket No. MPN 1-0103

STIPULATION AND CONSENT ORDER

NOW COME the State of Vermont, by and through William H. Sorrell, Attorney General, and James S. Arisman, Assistant Attorney General, and David L. Robbins, Jr., M.D., Respondent in the above-captioned matter, and agree and stipulate as follows:

1. The Vermont Board of Medical Practice (hereinafter "Board") has jurisdiction to investigate complaints of unprofessional conduct pursuant to 26 V.S.A. § 1353. The Board has jurisdiction to discipline licensees pursuant to 26 V.S.A. §§ 1353, 1361, 1365, 1366 & 1398.

2. Respondent was licensed as a medical doctor by the State of Vermont on April 7, 1999 and holds license number 042-0009822 as issued by the Board. Respondent, a cardiologist, practices in Eatontown, New Jersey. Respondent does not presently practice in the State of Vermont.

I. Background.

3. The above-captioned matter was opened by the Vermont Board of Medical Practice on January 7, 2003 based on answers provided by Respondent on his 2002 application for renewal of his Vermont medical license.

4. Respondent disclosed in response to a question in the 2002 license renewal application that he had pled guilty and been convicted on or about March 14, 2001 of a charge of driving under the influence of alcohol (DUI). Respondent had been involved in a traffic accident in Brooklyn, New

York on February 9, 2001 and charged there with DUI. A judgment of conviction was entered on March 15, 2001 in the Criminal Court of the City of New York, Kings County. On April 11, 2001 Respondent was fined by the court and his driving privileges in New York State were suspended for a period of "at least 6 months."

5. Respondent subsequently received a New Jersey medical license, subject to the terms of a written agreement between Respondent and the Physician's Health Program of the Medical Society of New Jersey. Those terms, based on the above circumstances, included a requirement for "absolute abstinence from all psychoactive substances", random urine testing and immediate notification of the New Jersey State Board of Medical Examiners regarding any evidence of use of alcohol or other psychoactive substances.

6. Notwithstanding the above agreement, Respondent on or about October 29, 2001 admitted to an ongoing use of alcohol. The New Jersey Physicians' Health Program then required Respondent to enter and complete a 28-day inpatient alcohol rehabilitation program. Following his discharge from the inpatient program Respondent voluntarily surrendered his New Jersey medical license for a "minimum period of six months", pursuant to consent agreement with the New Jersey Board of Medical Examiners, filed on December 12, 2001. The consent agreement also set forth specific steps to be taken by Respondent, i.e., abstinence and recovery from alcohol use and abuse. Respondent was required by the Board to demonstrate compliance with all such recovery steps "[p]rior to any restoration of his license".

7. Respondent in 2002 petitioned the New Jersey State Board of Medical Examiners for restoration of his license to practice medicine. Respondent summarized his recovery efforts as including inpatient treatment for alcoholism, continued "absolute abstinence from alcohol", attendance of at least three meeting per week of Alcoholics Anonymous (AA), and participation in

therapeutic counseling. Respondent submitted supportive statements from individual involved in or familiar with his recovery efforts.

8. The New Jersey Board of Medical Examiners reviewed the available information related to Respondent's recovery and met with Respondent. The Board found that Respondent had met all requirements of his earlier December 12, 2001 consent order and "had made all demonstrations of present fitness to resume the practice of medicine." The New Jersey Board on August 27, 2002 approved reinstatement of Respondent's medical license, subject to express conditions requiring him to continue his program of abstinence and recovery. These conditions included:

- "absolute abstinence";

- for one year, monthly meetings with a representative of the Physicians' Health Program; subsequent meetings to take place every two months for one additional year; thereafter meetings to be scheduled at the discretion of the program;

- random urine monitoring, no less frequently than twice a week for one year; random urine screening at least once a week for the following year; and thereafter, random urine screening to occur on a schedule to be arranged at the discretion of the Physicians' Health Program;

- AA attendance three times a week;

- therapeutic counseling; and

- a specific employment site¹ at which "the physician present in the office shall be able to generally observe respondent for any indicia of alcohol use".

The Vermont Board of Medical Practice, following investigation and review, is unaware of any information to indicate non-compliance by Respondent with the above terms. The consent orders

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

1. Respondent reports that the former requirement for that his employment be limited only to a specific site has been changed. Respondent, now is permitted to provide care at any location where he may become affiliated as a physician.

entered by the New Jersey State Board of Medical in this matter are attached hereunto as Exhibits 1 and 2. The written agreement between Respondent and the New Jersey Physicians' Health Program is attached hereunto as Exhibit 3.

II. Respondent's Vermont Medical License Shall Be Conditioned.

9. Respondent has cooperated fully with the Vermont Board of Medical Practice at all stages of its investigation and review of this matter. The parties agree that appropriate discipline in this matter shall consist of entry of conditions upon Respondent's Vermont medical license to protect the health, safety and welfare of patients and the public. Such conditions require Respondent's continued recovery and satisfactory participation in needed treatment and counseling.

A. Incorporation.

10. The Vermont Board of Medical Practice incorporates by reference, as integral elements of this Stipulation and Consent Order all findings, conclusions, and orders of the New Jersey State Board of Medical Examiners, as attached hereto. Such incorporation expressly shall include any and all conditions and requirements imposed upon Respondent's license to practice medicine by the New Jersey Board. Respondent agrees that he shall comply fully and in faith with all such conditions and requirements. Consistent with such conditions and requirements, Respondent acknowledges that at this time principal oversight, monitoring, and direction of his recovery efforts shall be by the Physicians' Health Program of the New Jersey Medical Society, unless otherwise provided herein.

11. Respondent acknowledges that the instant agreement with the Vermont Board of Medical Practice is in addition to the terms of any and all agreements between himself and the New Jersey State Board of Medical Examiners. Respondent agrees that he shall sign any and all releases or waivers that may be required for the Vermont Board of Medical Practice, its employees and agents,

and/or the Office of the Attorney General of Vermont to obtain information and records related to his current condition and treatment needs, recovery efforts, and progress.

12. Respondent agrees he shall be responsible for taking reasonable steps to ensure that copies of all reporting and/or other information required by his agreement with the New Jersey State Board of Medical Examiners shall be promptly forwarded to the Vermont Board of Medical Practice for its review and inclusion in his Board file.

B. Vermont Practice Provisions.

13. Respondent agrees that he presently does not practice medicine in the State of Vermont. Respondent agrees that should he determine at a later date that he intends to practice medicine in the State of Vermont he shall provide the Vermont Board of Medical Practice with at least 60 days notice of such intention prior to commencement of any actual practice activities in this State. Respondent agrees that the Vermont Board of Medical Practice may refer his name and all or portions of his Board file to the Vermont Practitioner Health Program (VPHP) for evaluation. Thereafter, Respondent agrees that he shall cooperate fully and in good faith with any and all reasonable recommendations of VPHP with regard to treatment and recovery, expressly including any that may require monitoring, urine screening, the taking of breath or other samples, or other treatment and recovery efforts.

14. Respondent agrees that at any time, but particularly in the event he determines that he intends to practice medicine in the State of Vermont, the Board of Medical Practice may review any and all information and records related to his recovery and treatment. Respondent expressly agrees that he shall execute such waivers and consents as may be required for release of all such information. Respondent acknowledges that sources of such information and records may include the New Jersey State Board of Medical Examiners, the Physicians' Health Program of the New Jersey Medical Society,

and individuals directly involved in his treatment. Respondent agrees to make reasonable efforts to facilitate the prompt disclosure of all such information to the Vermont Board of Medical Practice for purposes of monitoring his care, treatment, and recovery and for protection of patients and the public. Respondent expressly agrees and acknowledges that the Vermont Board of Medical Practice in its sole discretion may amend this agreement to provide additional terms related to his recovery, evaluation or assessment, treatment, monitoring, supervision, and practice site. Any practice by Respondent in the State of Vermont shall occur only in a structured group practice setting in which he shall have frequent and regular contact and interaction with other physicians.

III. Terms Related to Implementation; Other Matters.

15. Respondent seeks to pursue a program of recovery from his use of and dependency on alcohol and to pursue long-term rehabilitation. Respondent does not contest the facts set forth above in paragraphs 3 through 14, above, and agrees that the Board of Medical Practice may adopt and enter these paragraphs as uncontested findings of fact in this matter.

16. Respondent agrees and understands that findings, conclusions, and orders of the New Jersey Board of Medical Examiners constitute grounds for the Board to discipline Respondent's license to practice as a physician in the State of Vermont, pursuant to 26 V.S.A. §§ 1361, 1365, & 1366, and impose the conditions set forth herein upon his Vermont license to practice medicine. Respondent agrees and admits that had the State of Vermont filed a specification of charges in this matter and satisfied its evidentiary burden at hearing, the Board could enter a finding adverse to him, pursuant to 26 V.S.A. § 1354, 1365 & 1398, in light of the facts set forth in paragraphs 3 through 14, above. Thus, Respondent agrees that the Board of Medical Practice may adopt and enter as its

findings and/or conclusions this paragraph and those set forth above as a basis for this agreement. And see Paragraph 10, above.

17. Respondent acknowledges that he knowingly and voluntarily is agreeing to this Stipulation and Consent Order. He acknowledges that he has had the opportunity to obtain advice of counsel regarding the matter presently before the Board and advice of counsel in reviewing this Stipulation and Consent Order. Respondent is satisfied with any and all representation that may have been provided to him by counsel.

18. Respondent agrees and understands that by executing this document he is waiving any right to be served with formal charges, to challenge the jurisdiction and continuing jurisdiction of the Board in these matters, to be presented with the evidence against him, to cross-examine any adverse witnesses, to offer evidence of his own in response to a specification of charges, or contest discipline of his license. 26 V.S.A. §§ 1356, 1365 & 1366; 3 V.S.A. §§ 809 & 814.

19. The parties to this Stipulation and Consent Order agree that appropriate discipline in this matter shall consist of imposition of the conditions set forth herein upon Respondent's Vermont license to practice medicine. Respondent's Vermont medical license shall be designated as "conditioned", and Respondent shall comply fully and in good faith with the additional terms and conditions of licensure set forth below, wherever he may practice, until such time as he has been relieved of all conditions herein by express written order of the Vermont Board of Medical Practice.

20. Respondent agrees that he has read and carefully considered all terms and conditions herein and agrees to accept and be bound by these while licensed to practice medicine in the State of Vermont or elsewhere and to be bound by these until such time in the future as he may be expressly relieved of these conditions, in writing, by the Vermont Board of Medical Practice.

21. Subsequent modifications of Respondent's consent agreement with the New Jersey Board of Medical Examiners shall be incorporated herein by reference, absent express action to the contrary by the Vermont Board.² Respondent agrees that the Vermont Board of Medical Practice in its sole discretion may decline to accept any such change or modification by the New Jersey Board and may in its sole discretion retain or substitute such other reasonable terms therefore as it may deem necessary, in its sole discretion, to protect the public health safety, and welfare, patients, and Respondent's continued treatment and recovery.

22. Respondent's license to practice medicine in the State of Vermont shall be CONDITIONED for a minimum of five years, following entry of the Vermont Board's Order approving the terms of this agreement. Respondent's Vermont license to practice medicine shall be "Conditioned" until such time as the Vermont Board of Medical Practice has removed all terms and conditions imposed upon his medical license by this agreement.

23. Respondent agrees that should it be deemed necessary and if requested to do so by the Vermont Board at a later date he shall promptly undergo a comprehensive alcohol/chemical dependency evaluation by a psychiatrist or PhD psychologist, the results of which shall be provided directly in writing to the Board. Such evaluation shall include diagnosis, prognosis, identification of short- and long-term treatment needs, assessment as to dependency needs, and a plan for treatment and recovery. Respondent agrees to cooperate fully and in good faith in such an evaluation and to obtain prior written approval from the Board, the Board's staff, or agent as to any individual or entity proposed by Respondent for this purpose. Respondent agrees to carry out in good faith all reasonable

2. Similarly, should a private letter agreement later be substituted for Respondent's current consent agreement with the New Jersey Board of Medical Examiners, the terms of such letter agreement shall be incorporated herein.

recommendations resulting from such evaluation or assessment. Respondent shall bear all costs and shall make all such payment arrangements as may be required for such evaluation or assessment.

24. Respondent shall promptly notify the Vermont Board of Medical Practice if he ceases, contemplates cessation, or interrupts his participation in any current program of recovery and treatment. Respondent shall not cease, terminate, or interrupt his participation in any such program of treatment and recovery without the advance written approval of the Board, following presentation of a written petition from him in this regard. The Board shall retain sole discretion to approve or disapprove any such petition.

25. Respondent acknowledges that his good faith participation in a recovery program or in coordinated efforts involving monitoring, care, and treatment related to his recovery is a material term of this agreement and reiterates that he shall not cease participation in such a program or recovery efforts without the express, written approval of the Board.

26. Respondent expressly agrees to abstain from consuming alcohol of any kind or amount, regardless of circumstances. Similarly, Respondent agrees not to use, consume, or be under the influence of mind or mood altering substances, including all DEA schedule II, III, and IV controlled substances, other than pursuant to a valid prescription from a licensed medical practitioner.

27. Respondent shall immediately report, orally and in writing, to the Vermont Board of Medical Practice and to all others providing recovery care and treatment to him any alcohol or substance use or consumption by him, regardless of amount or circumstances, with an explanation as to such occurrence. Any and all usage or consumption, including but not limited to "slips", "lapses", anomalies, accidental or unintended occurrences, use of miniscule quantities, or short-term usage, shall be promptly reported by Respondent.

28. Respondent agrees that he shall provide a complete copy of this Stipulation and Consent Order and any attached Exhibits to any employer and supervisor for whom he works or to any prospective employer, any State medical board or other licensing authority in any location or jurisdiction where he may seek to practice or where he may make application, so long as this agreement remains in effect. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of Respondent's licensing file, and may be reported to other licensing authorities and/or entities including, but not limited to, the National Practitioner Data Bank and the Federation of State Medical Boards.

29. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this Stipulation and Consent Order, the entire agreement shall be considered void. However, should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, the parties request that the Board enter an order conditioning Respondent's license to practice medicine as set forth herein and by incorporation, above.

30. Respondent agrees to be bound by all terms and conditions of this Stipulation and Consent Order. Respondent agrees that the Board of Medical Practice shall retain jurisdiction to enforce all terms and conditions of this Stipulation and Consent Order. Respondent expressly agrees that any failure by him to comply with the terms of this Stipulation and Consent Order, specifically including relapse to consumption or use of alcohol, may constitute unprofessional conduct under 26 V.S.A. §1354(25) and may subject Respondent to such further disciplinary action as the Board may deem appropriate.

EXHIBIT I**FILED**

August 27, 2002

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

In the Matter of:

DAVID L. ROBBINS, Jr., M.D.
License No. MA073130*
*
* CONSENT ORDER
* REINSTATING LICENSURE
*

This matter was reopened before the New Jersey State Board of Medical Examiners upon the Board's receipt of a petition from respondent David L. Robbins, Jr., M.D., seeking restoration of his license to practice medicine and surgery in the State of New Jersey, which license respondent surrendered on December 12, 2001 (see Consent Order of Voluntary Surrender filed December 12, 2001). As recounted in the December 12, 2001 Consent Order, respondent voluntarily surrendered his license for a minimum period of six months, following the Board's receipt of a report from the Physicians' Health Program of the Medical Society of New Jersey (the "PHP") stating that respondent had voluntarily admitted a relapse of alcohol use, and had entered in-patient treatment at Clearbrook Manor in Pennsylvania on or about November 6, 2001. The Consent Order provided that respondent could seek restoration of licensure after six months elapsed, and provided that, at such time, respondent was to appear before a Committee of the Board and demonstrate, *inter alia*, fitness to resume practice.

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Respondent appeared before a Preliminary Evaluation Committee of the Board on June 26, 2002, and then testified concerning his prior use and abuse of alcohol, his participation with the PHP and the treatment he has received for his alcoholism since the time he entered Clearbrook Manor. Respondent testified that he completed a 28 day inpatient treatment at Clearbrook Manor, and further testified that, since being discharged from Clearbrook, he has maintained absolute abstinence from alcohol and has attended at least three meetings of the support group Alcoholics Anonymous a week. Respondent stated that he initially was seen for counseling by Dr. Alan Cavaiola for approximately seven sessions, however could not continue with Dr. Cavaiola because his health care provider would not pay for visits with Dr. Cavaiola. Respondent testified that he has since been seeing Dr. Melvin Rand for counseling. Letters were submitted to the Committee by both Drs. Cavaiola and Rand, both of whom suggested that Dr. Robbins prognosis was favorable. Respondent has been subjected to urine testing by the PHP, and all tests have been negative for the presence of any psychoactive substances to include alcohol.

Respondent additionally testified that, should his license be reinstated, he has been offered a position to practice as an interventional cardiologist by John S. Clemente, M.D., to practice at the "Heart Center" in Eatontown, New Jersey. Dr. Clemente acknowledged that the "Heart Center" would monitor respondent's

activities and report to the PHP in the event that it were to appear that respondent had demonstrated any signs of substance abuse.

Respondent was accompanied at the appearance by Louis Baxter, M.D., Executive Medical Director of the PHP. Dr. Baxter testified concerning Dr. Robbins' participation with the PHP, and the PHP submitted a written position statement to the Board, in which it recommended that the Board grant respondent's petition for reinstatement, provided that a series of conditions were placed on licensure to include conditions that respondent continue to participate with the PHP, be subjected to random urine monitoring, continue to attend support group meetings and continue in therapy.

Upon review of available information, to include respondent's testimony, the testimony offered by Dr. Baxter, the written position statement of the PHP, and the written statements submitted by respondent's counselors, the Board is satisfied that respondent has made all demonstrations of present fitness to resume the practice of medicine required by operation of the December 12, 2001 Consent Order. The Board thus concludes that cause exists at this time to reinstate respondent's licensure, provided that said relicensure is subject to all conditions imposed below. The Board finding that the restrictions set forth herein are adequately protective of the public health, safety and welfare, and finding that good cause exists for the entry of the within Order,

IT is hereby ORDERED and AGREED,

on this 27th day of Aug, 2002:

1. The license of respondent David Robbins, Jr., M.D., to practice medicine and surgery in the State of New Jersey is hereby reinstated, contingent upon respondent's compliance with all terms and conditions set forth below.

2. Respondent shall maintain absolute abstinence from all psychoactive substances, including but not limited to alcohol, unless any such substances are prescribed by a treating physician for a documented medical condition, and provided further that said treating physician provides written notification to the Executive Medical Director of the PHP concerning the prescription being written and the reasons why the prescription is deemed necessary.

3. Respondent shall participate in monthly, face-to-face visits with a representative of the PHP staff, for one year from the date of entry of this Order. For one year thereafter, respondent shall participate in face-to-face visits once every two months with a representative of the PHP staff. Thereafter, respondent shall continue to participate in visits with representatives of the PHP, on a schedule to be set at the discretion of the Executive Medical Director of the PHP.

4. The PHP shall conduct random, urine monitoring no less frequently than twice a week for the first twelve months following respondent's relicensure, and shall, for a period of one year thereafter, conduct random urine monitoring no less frequently than once a week. After two years of random urine testing, further random testing shall be conducted on a schedule determined by the Executive

Medical Director of the PHP consistent with respondent's duration in recovery.

5. Respondent shall attend meetings of the support group Alcoholics Anonymous no less frequently than three times per week. Respondent shall document his attendance at said meetings, which documentation shall be made available to the Executive Medical Director of the PHP.

6. Respondent shall continue in therapy on a schedule directed by his treating therapist, who shall be a practitioner acceptable to the Board, until such time as he is discharged by the therapist. For purposes of this Order, Melvin A. Rand, Ph.D., shall be deemed to be an approved therapist. Respondent shall authorize Dr. Rand or any subsequent treating therapist to provide written semiannual reports to the Board concerning respondent's participation and progress in therapy, and to provide immediate notification to the Board in the event that respondent shall discontinue therapy prior to discharge or in the event that the therapist receives information that respondent has suffered a relapse of substance abuse.

7. The PHP shall provide quarterly reports to the Board concerning Dr. Robbins' participation with the PHP, which reports shall detail the results of urine screens conducted upon Dr. Robbins and shall detail whether Dr. Robbins has complied with all conditions of this Order and with any requests made of him by the PHP. The PHP shall provide the Board with immediate notification in the event respondent fails to comply with any recommendations or requirements

of the Program, fails to participate in any scheduled random urine monitoring or tests positive for any psychoactive substances, and/or in the event respondent relapses or otherwise engages in any use of alcohol or any other psychoactive substance (other than as provided in paragraph 2 above).

8. Respondent shall practice medicine only at the "Heart Center" in Eatontown, New Jersey, and shall only practice at times that another physician licensee of this Board, who shall have been made aware of respondent's prior history of alcohol abuse, shall be present in the office and generally able to observe respondent (this provision shall not be construed to require monitoring of respondent's practice, but rather to require that the physician present in the office shall be able to generally observe respondent for any indicia of alcohol use or any other substance use or impairment). Respondent shall authorize the "Heart Center", through its director John S. Clemente, M.D. or his designee, to make an immediate report to the Board in the event that respondent demonstrates any signs of alcohol or other substance use or impairment.

9. Respondent may apply for hospital privileges and practice interventional cardiology in any hospital where he may be granted privileges (provided said practice is upon patients respondent is otherwise treating at the "Heart Center"), provided that he makes the Medical Director and the Director of the Department of Cardiology at any hospital(s) that he applies for privileges aware of his prior

history of alcohol abuse, and provided that respondent authorizes said individuals to immediately report to the Board in the event that said individuals obtain any evidence that respondent may have relapsed or otherwise engaged in any use of alcohol or drugs.

10. Respondent shall provide any and all releases to any and all individuals or entities which are participating in the monitoring, treating or other program as outlined in this order, as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner.

11. Respondent expressly agrees and acknowledges that any reporting by the PHP of any non-compliance with the recommendations or requirements of the Program or of positive urine screens or other evidence of relapse of substance abuse, or the Board's receipt of any reports of non-compliance or of substance use from respondent's treating therapist (see paragraph 6 above), from Dr. Clemente or his designee (see paragraph 8 above) or from any individual at any hospital where respondent may receive privileges to practice (see paragraph 9 above), or any other material failure by respondent to comply with any of the terms and conditions of this Order, shall provide cause, without more, for the entry of an immediate Order by the Board suspending respondent's licensure.

12. In the event an Order suspending respondent's licensure is entered, respondent may request a hearing seeking removal of the suspension, which hearing shall be scheduled within ten business days

of the Board's receipt of a request for such a hearing, and which hearing shall be limited to the issue whether cause in fact existed to support entry of such an Order. In a hearing seeking removal of a licensure suspension entered pursuant to the terms of this paragraph, any confirmed positive urine shall be presumed valid.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By:

William V. Harrer M.D. B.L.D.

William V. Harrer, M.D., B.L.D.
Board President

I have read and reviewed the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


David L. Robbins, Jr., M.D.

Agreement is made, on behalf of the Physicians' Health Program, to participate in the continued monitoring of David L. Robbins, Jr. in accordance with all terms and conditions of the within Order.

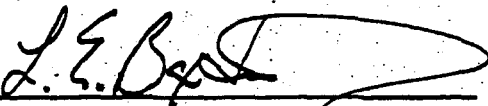

Louis E. Baxter, M.D., FASAM
Executive Medical Director
Physicians' Health Program

EXHIBIT 2**FILED**

December 12, 2001

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

JOHN J. FARMER, JR.
 Attorney General of New Jersey
 Division of Law
 124 Halsey Street, 5th Floor
 P.O. Box 45029
 Newark, New Jersey 07101

By: Swang Oo
 Deputy Attorney General
 Attorney for Board of Medical Examiners
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STATE OF NEW JERSEY
 DEPARTMENT OF LAW & PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF THE SUSPENSION OR :
 REVOCATION OF THE LICENSE OF :

DAVID L. ROBBINS, Jr., M.D. :
 LICENSE NO.: MA073130 :

TO PRACTICE MEDICINE AND SURGERY :
 IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER OF
 VOLUNTARY SURRENDER

This matter was opened to the State Board of Medical Examiners ("Board") upon receipt of information from the Physicians' Health Program of the Medical Society of New Jersey ("PHP") that David L. Robbins, Jr., M.D. ("Respondent") voluntarily admitted a relapse into the abuse of psychoactive substances. The file in this matter reveals that Respondent applied for licensure in the State of New Jersey in the Summer of 2001 and pursuant to that application testified before the Credentials Committee of the Board on August 20, 2001. In that testimony, Respondent discussed his arrest in New York State on February 18, 2001 on charges of Driving Under the Influence. Dr. Louis Baxter, Medical Director of the PHP, appeared before the Credentials Committee on Respondent's behalf and

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presented the Committee and the Board with the PHP's Position Statement which concluded that a complete assessment of Respondent by the PHP revealed that Respondent was not a chronic abuser of alcohol but suffered from an alcohol use disorder which gave rise to the episode of drinking that resulted in the DUI charge. The Board accepted the PHP's recommendation that Respondent be permitted to obtain licensure in New Jersey conditioned upon his private agreement to participate fully in a monitoring program conducted by the PHP. The agreement was executed and Respondent's license was issued on September 21, 2001.

According to notice to the Board received on November 7, 2001 from the PHP, Respondent entered into in-patient treatment at Clearbrook Manor, Pennsylvania, on or about November 6, 2001 having relapsed into the use of psychoactive substances.

Respondent now seeks leave to voluntarily surrender his license to practice medicine and surgery in the State of New Jersey without prejudice and in accordance with the terms of this Order. The Board finding the within disposition to be adequately protective of the public health, safety and welfare,

IT IS, therefore, on this 12th day of December, 2001,

ORDERED THAT:

1. Respondent, David L. Robbins, Jr., M.D., is hereby granted leave and shall immediately surrender his license to practice medicine and surgery in the State of New Jersey for a minimum period of six (6) months from the entry date of this Order.

2. Respondent shall return his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183, upon his receipt of a filed copy of this Order.

3. Respondent shall return his original CDS registration to the New Jersey State Board of Medical Examiners, Post Office Box 183, Trenton, New Jersey 08625-0183, upon his receipt of a filed copy of this Order.

4. Respondent shall immediately advise the DEA of this Order.

5. Respondent shall comply with the attached directives for physicians whose surrender of licensure has been accepted by the Board, which are incorporated herein by reference.

6. Prior to any restoration of his license, Respondent shall:

- a. Appear before the Board, or a committee thereof, to discuss his readiness to re-enter the practice of medicine. At that time, Respondent shall be prepared to propose his plans for future practice in New Jersey and his substance abuse history (pertaining to alcohol and/or other psychoactive substances);
- b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from the use of cocaine, alcohol, or any drug which could affect his practice;
- c. Provide the Board with evidence that Respondent is not a habitual user of cocaine, alcohol, drugs or intoxicants in violation of N.J.S.A. 45:9-16(b) and is not engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e);

- d. Respondent shall meet with a Board-approved psychiatrist and an aftercare counselor at least once a week;
- e. Document attendance at the support group of Alcoholic Anonymous at a minimum of three meetings per week. Respondent agrees that the PHP shall advise the Board and the Attorney General immediately in the event it receives information that Respondent has discontinued attendance at AA;
- f. Random, twice-weekly urine monitoring under the supervision of the Physicians' Health Program staff;
- g. Monthly face-to-face visits with a representative of the Physicians' Health Program; and
- h. Provide the Board with reports from each and every mental health professional including, but not limited to: psychologists, counselors, therapists, psychiatrists, who have participated in Respondent's care and/or treatment for the disability in this matter during the period of time from his entry into treatment to Respondent's appearance.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: William V. Harrer, M.D., B.L.D.

William V. Harrer, M.D., B.L.D.
President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order. I understand that this Order has serious legal consequences and have decided to enter into this agreement with the Board without the advice of legal counsel, as is my right.

David L. Robbins, Jr., M.D.

Louis E. Baxter, Sr., M.D., FASAM
Executive Medical Director
Physicians' Health Program

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her

medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any Order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

ADDENDUM TO THE DIRECTIVES

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number: 022-54-5229

List the name and address of any and all Health Care Facilities with which you are affiliated:

Jersey Shore Medical Center

* I DID NOT RECEIVE AN ENGROSSED WALL CERTIFICATE.

List the names and addresses of any and all Health Maintenance Organizations with which you are affiliated:

NONE

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

<u>RONALD RUBINSTEIN, MD, PA</u>	} <u>PREMIER CARDIOLOGY</u> <u>1900 CORLIES AVE</u> <u>NEPTUNE, NJ 07753</u>
<u>MARK O'CONNELL, MD</u>	
<u>ZIAD ABBUD, MD</u>	

¹ Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report information to the National Practitioner Data Bank and the HIP Data Bank.

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.

EXHIBIT 3

PRIVATE LETTER OF AGREEMENT

**Between the
Physicians' Health Program of the Medical Society of New Jersey
and
David Robbins, Jr., M.D.**

The State Board of Medical Examiners, having met on September 19, 2001, approved the recommendation of the Credentials Committee that Doctor Robbins be deemed eligible for licensure provided a Private Letter of Agreement between the Physicians' Health Program and Doctor Robbins be entered.

Therefore, it is agreed that Doctor Robbins will comply with the following requirements for licensure:

1. Absolute abstinence from all psychoactive substances unless prescribed by a treating physician for a documented medical condition with documentation of such provided to the Executive Medical Director of the PHP;
2. Random, weekly urine monitoring;
3. Monthly face-to-face visits with a representative of the Physicians' Health Program; and
4. Immediate notification to the Board of any evidence of the use of alcohol or other psychoactive substances that has not been prescribed by his treating physician;

Private Letter of Agreement
David Robbins, Jr., M.D.
Page two

5. After one year of compliance with the above-stated conditions, Doctor Robbins may request that the stipulations be modified or discontinued.

Date

Signature

September 20, 2001
Date

L. E. Robbins
Signature

Dated at Montpelier, Vermont, this 31st day of October, 2003.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by:

James S. Arisman
JAMES S. ARISMAN
Assistant Attorney General

Dated at Fort, New Jersey, this 31 day of November, 2003.

David L. Robbins, Jr., M.D.
DAVID L. ROBBINS, JR., M.D.
Respondent

FOREGOING, AS TO DAVID L. ROBBINS, JR., M.D.

APPROVED AND ORDERED

VERMONT BOARD OF MEDICAL PRACTICE

David M. Keckler David W. C. Brown
H. Wallace Jr. MD Edward A. ...
Margaret Funk Martin W. A. ...
Florence J. Young Edification ...
Edward A. ... MD ...
John J. Murray Jr. ...

DATED: _____

ENTERED AND EFFECTIVE: _____

ROBBINS 10/01 REV. By James S. Arisman, AAG; Not Approved by BMP Until Executed Above